

**Appl. No.** : 10/597,299  
**Filed** : August 12, 2008

## **REMARKS**

Applicant would initially like to thank Examiner Mendoza for the courtesy extended in the phone interview summarized above. By way of summary, claims 1-23 were pending prior to this Response. The outstanding Office Action rejects Claims 1-23 under 35 U.S.C. §112, second paragraph. The Office Action rejects Claims 1-17 and 21-23 under 35 U.S.C. §103(a) as anticipated by Bashiri (US 6,165,178) in view of Aganon (US 7,166,122). The Office Action rejects Claims 19 and 20 under 35 U.S.C. §103(a) as unpatentable over Bashiri in view of Aganon in further view of Monstadt (US 7,323,000).

In this response, Applicant clarifies the removal of the §112 rejections and arguments raised during the phone interview. Claims 1-23 are pending and are respectfully presented for further consideration.

### **I. § 112 Rejections**

The Office Action at page 2 rejects Claims 1-23 for the phrase “securing means” under 35 U.S.C. §112 as lacking function. The Office Action characterizes the use of “securing means” in the claims as attempt to use a “means” clause to “recite a claim element as a means for performing a specified function.” Office Action at page 2. It appears the Office Action is mischaracterizing the claim language as an attempt to use means plus function recitation in these claims. Contrary to this assertion, the phrase “securing means” is literally used throughout the specification to identify a specific structure, as used in at least paragraphs [0014]-[0020], [0023]-[0025], [0034], [0040], the original claims, and in conjunction with reference number “6” as “securing means 6” in paragraphs [0044], [0045] and [0047]. The use of the term “securing means” in the claims is literally supported in the specification. Thus, Applicant respectfully requests the withdrawal of the rejection of Claims 1-23 under §112.

### **II. The pending claims are not unpatentable over Bashiri in view of Aganon**

The Office Action rejects Claims 1-17 and 21-23 under 35 U.S.C. §103(a) as anticipated by Bashiri (US 6,165,178) in view of Aganon (US 7,166,122). The Office Action rejects Claims 19 and 20 under 35 U.S.C. §103(a) as unpatentable over Bashiri in view of Aganon in further view of Monstadt (US 7,323,000). It appears there is no substantive rejection of Claim 18.

All pending claims in the present application depend from Claim 1. Claim 1 recites, in part, “at least one electrolytically corrodible severance element, with at least one stabilization

helix being arranged between the at least one electrolytically corrodible severance element and the at least one occlusion helix.”

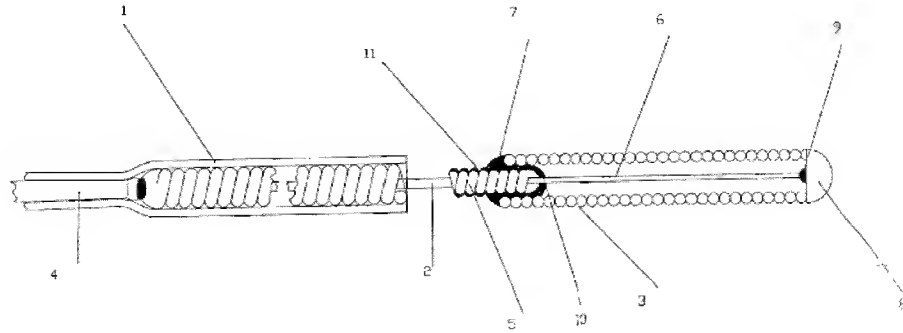


Fig. 2

The Office Action at page 3 characterizes Bashiri with “at least one stabilization helix (127) being arranged between severance element (112) and occlusion helix (127)” [sic 120?]. However, contrary to this assertion, Bashiri discloses an inner coil (127) that is located distally of the proximal end of Bashiri’s helical coil (120), with a polymeric plug (125) directly connecting its severable joint (112) to the helical coil (120) with Bashiri’s inner coil (127) located entirely distal to the direct interface between the coil (120) and the joint (112):

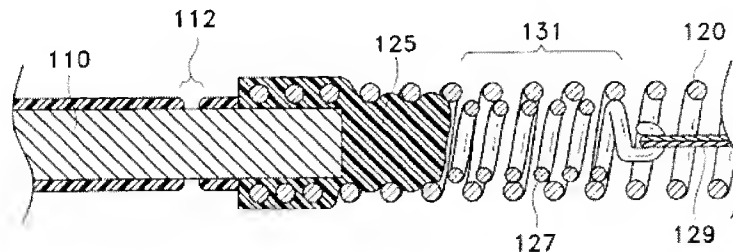


Fig. 7

Thus, Bashiri does not disclose, teach or suggest “at least one electrolytically corrodible severance element, with at least one stabilization helix being arranged between the at least one electrolytically corrodible severance element and the at least one occlusion helix.” Further, Aganon fails to address the deficiencies of Bashiri. For at least the reasons set forth above, Applicant respectfully submits that Claim 1 is allowable in view of Bashiri, Aganon, alone or in combination.

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Claims 2-17 and 21-23 depend from Claim 1 and further define the invention of Claim 1. For at least the reasons set forth above with respect to Claim 1, Applicant respectfully submits that Claims 2-17 and 21-23 are allowable in view of Bashiri in view of Aganon.

Claims 19 and 20 depend from Claim 1 and further define the invention of Claim 1. For at least the reasons set forth above with respect to Claim 1, Applicant respectfully submits that Claims 19 and 20 are allowable in view of Bashiri in view of Aganon in further view of Monstadt.

No Disclaimers or Disavowals

Although the present communication may include alterations to the application, or characterizations of claim scope or referenced art, the Applicant is not conceding in this application that previously pending claims are not patentable over the cited references. Rather, any alterations or characterizations are being made to facilitate expeditious prosecution of this application. The Applicant reserves the right to pursue at a later date any previously pending or other broader or narrower claims that capture any subject matter supported by the present disclosure, including subject matter found to be specifically disclaimed herein or by any prior prosecution. Accordingly, reviewers of this or any parent, child or related prosecution history shall not reasonably infer that the Applicant has made any disclaimers or disavowals of any subject matter supported by the present application.

Co-Pending Applications of Assignee

Applicant wishes to draw the Examiner's attention to some co-pending applications of the present application's assignee and some of its related entities:

<b>Serial No.</b>	<b>Title</b>	<b>Filed</b>
11/903,311	DEVICE FOR THE IMPLANTATION OF OCCLUSION SPIRALS	9/21/2007
11/575,796	MICRO-SPIRAL IMPLANTATION DEVICE	12/28/07
12/981,286	MEDICAL IMPLANT	12/29/10
13/010,671	METALLIC COILS ENLACED WITH FIBERS FOR EMBOLIZATION OF A BODY CAVITY	1/20/2011
11/912,901	DEVICE FOR IMPLANTING OCCLUSION SPIRALS COMPRISING AN INTERIOR SECURING ELEMENT	10/29/07
12/038,730	IMPLANT INCLUDING A COIL AND A STRETCH-RESISTANT MEMBER	02/27/08
12/038,737	IMPLANT, A MANDREL, AND A METHOD OF FORMING AN IMPLANT	02/27/08

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12/297,419	SYSTEM AND METHOD FOR MECHANICALLY POSITIONING INTRAVASCULAR IMPLANTS	10/16/08
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CONCLUSION

In view of the foregoing, the present application is believed to be in condition for allowance, and such allowance is respectfully requested. Applicant has made a good faith effort to respond to the outstanding Office Action. Applicant respectfully requests that a Notice of Allowance be issued at the earliest opportunity. However, if the Examiner has any questions or concerns, he is invited to telephone Applicant's attorney of record so that extended prosecution of this application may be avoided.

Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.

Respectfully submitted,

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